

Exhibit 27

1

People v. Tankleff

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But you need to talk to

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Mr. Tankleff about that, and I'm leaving

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it up to you gentlemen to do that.

5

Okay?

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MR. POLLACK: Yes, your Honor.

7

THE COURT: So, I was going to end

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it there.

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I appreciate the comments of

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counsel, but I was going to leave it

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there for -- and I didn't take it as any

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disrespect. It's just that I expected

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Mr. Pollack and Mr. Barket here

14

yesterday because you're officers of the

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Court, I expected you both here whether

16

Mr. Tankleff appeared or not.

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MR. BARKET: I'm sorry, Judge.

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THE COURT: Apology's accepted.

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Let's go forward.

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MR. POLLACK: Thank you, your

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Honor.

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THE CLERK: Sir, please, stand and

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raise your right hand.

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(Whereupon, the witness complied

25

with the request of the Clerk of the

People v. Tankleff

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Court.)

R O N F A L B E E , the Witness herein,
having been first duly sworn by the
Clerk of the Court, was examined and
testified as follows:

THE CLERK: Please, be seated.

(Whereupon, the witness complied
with the request of the Clerk of the
Court.)

THE CLERK: Please give us your
full name, spelling your last name, and
your town of residence.

THE WITNESS: Ron Falbee, F as in
Frank, A-L, B as in boy, E-E.

And town of residence is Westbury,
New York.

THE COURT: Good afternoon, sir.
Go forward, please.

THE WITNESS: Good afternoon, your
Honor.

MR. POLLACK: Thank you, your
Honor.

DIRECT EXAMINATION

BY MR. POLLACK:

1

Ron Falbee - Direct

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Q Mr. Falbee, how are you related to the

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Tankleffs?

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A I'm Marty's cousin. I was nephew to

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Arlene and Seymore.

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Q Specifically, were you related to Arlene

7

or Seymore?

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A I was related to Arlene. My mother is

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Arlene's sister.

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Q Mr. Falbee, did the Tankleffs in their

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will provide any particular role for you?

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A Yes. They provided that my wife and I

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be Marty's legal guardians. They also provided

14

that I be the executor of the estate.

15

Q And did you fulfill those roles after

16

the death of the Tankleffs?

17

A I did.

18

Q And, in fact, did Marty Tankleff come

19

and live with you for a period of time pending his

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trial?

21

A Yes, he did.

22

Q Mr. Falbee, I'd like to direct your

23

attention to the year 1988 to the months leading

24

up to the murders of the Tankleffs, and I'd like

25

to ask you if during that time frame you had any

1 Ron Falbee - Direct 147

2 conversations with Seymore Tankleff about his
3 business relationship with Jerry Steuerman?

4 A Several times or a few times during the
5 holiday during '88 and actually even later, '87, I
6 talked to Seymore about what I -- or I heard from
7 Seymore about his relationship with Jerry
8 Steuerman, yes.

9 Q What do you recall about those
10 conversations?

11 MR. LATO: Objection. I understand
12 that -- I'm just making a hearsay
13 objection even though I know your Honor
14 is allowing it. I just don't want it to
15 be deemed a waiver in the future, so I
16 am making the objection.

17 THE COURT: I'm going to overrule
18 your objection but I understand it. I
19 just want to hear what Mr. Falbee has to
20 say.

21 Go forward.

22 THE WITNESS: Okay.

23 A Can you repeat the question?

24 Q Absolutely, Mr. Falbee.

25 My question was: What do you recall, in

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Ron Falbee - Direct

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the months leading up to the Tankleffs's murders,
about conversations that Seymore Tankleff had with
you about his business relationship with
Mr. Steuerman?

A Seymore basically conveyed that the --
his relationship with Jerry Steuerman had a --
deterioration, it was slowly deteriorating over
time.

I remember -- I thought it started
sometime in '87 and it just seemed to get the --
it started like little problems.

In the beginning they had a great
relationship. I mean it appears that, you know, a
great partnership.

But once you got into late '87, '88, all
of a sudden we started hearing little things that
were happening between the partnership, and
Seymore was getting more and more disenchanted
with the partnership. And it just seemed to
become a snowball until it got culminating in my
last -- the last time I got to talk to Seymore
about it was at a reunion, family reunion in July
of '88. And there, it seemed to be almost out of
control.

1 Ron Falbee - Direct

149

2 Q Okay.

3 Tell us about the family gathering in
4 the summer of 1988, specifically with respect to
5 the relationship with Jerry Steuerman.

6 A Well, we had -- my wife, my children,
7 had gone out to Seymore and Arlene's for this
8 family reunion. My -- some of our relatives were
9 in from California, my mother was there, my sister
10 was there, so it was, you know, pretty much the
11 whole family, or close to the whole family on
12 my -- on Arlene's side was there.

13 And I remember, when we got there, and
14 we -- we went into the kitchen where Arlene was,
15 and when we entered the -- the kitchen, we heard
16 Seymore having a very angry, loud, aggressive
17 conversation on the phone. And it -- it was very
18 unlike Seymore. It was very unlike how I've ever
19 seen Seymore before.

20 And I -- we -- I don't know as -- as I
21 said to Arlene or it was just a look, I just
22 looked at her like what's up, you know, what's
23 going on?

24 And her response to me and my wife was,
25 "That son of a bitch Steuerman," and proceeded to

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Ron Falbee - Direct

150

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go on to tell us that their relationship had --

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they were having a great deal of problems with

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Steuerman, that he had threatened them, that she

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was -- she was getting fearful, she was getting

6

very frightened of -- of the relationship and --

7

and what he was going to do.

8

Q After Mr. Tankleff concluded his phone

9

conversation, did you have any discussion with him

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about his relationship with Jerry Steuerman?

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A Very short discussion. I don't even

12

remember the points of it. I don't think he told

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me exactly what was going -- you know, in other

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words, what was causing this argument. But it was

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a very -- it was a very -- you know, it was Jerry,

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we're having problems, we're getting out of the

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deal, you know, so on -- we're breaking up the

18

partnership, and that was about it. And then it

19

was dropped and we had a family reunion. You

20

know?

21

Q Did you specifically recall him saying

22

that he was going to break up the partnership?

23

A Yeah. The partnership was ending, it

24

was over, and he -- he had put up with enough

25

and -- and he was trying to get out of the

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Ron Falbee - Direct

151

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partnership.

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Q Did he say anything about the debt that

4

Mr. Steuerman owed to him?

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A I don't believe in that -- in that

6

instance, no.

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Q Mr. Falbee, after the attacks on Mr. and

8

Mrs. Tankleff, I take it that for some period of

9

time thereafter, the house was sort of designated

10

as a crime scene and was off limits to the family?

11

A Correct.

12

Q When were you first able to get back to

13

get into the house after it was no longer a crime

14

scene?

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A Some weeks after the murders. I

16

don't -- I can't tell you whether it was one week,

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two weeks, three weeks, I just -- I don't

18

remember.

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Q Okay.

20

How long was it in relation to when it

21

was no longer a crime scene?

22

A Oh, it was immediately. It was -- it

23

was -- we were given the keys, we got a call --

24

actually, I think Mike Fox got the call and he

25

called me and we went down to the house and walked

1 Ron Falbee - Direct 152

2 through it. So we were -- it was immediate.

3 Q Okay.

4 So whatever period of time the police
5 had during which they secured the premises,
6 searched the premises, whatever it is that they
7 did, you and Mr. Fox were the first family members
8 to get into the house?

9 A I believe so, yes.

10 Q And was there a safe in the house?

11 A Yes, there was.

12 Q And did you review the contents of the
13 safe?

14 A Yes. The police had drilled open the
15 safe and we -- when we went in, we went to look at
16 this safe, yeah.

17 Q Were there documents that the police had
18 left behind?

19 A Yes.

20 Q Specifically, were there any documents
21 that touched upon the business relationship
22 between Jerry Steuerman and Mr. and Mrs. Tankleff?

23 A Yes. We found some notes in Arlene's
24 handwriting that basically laid out some of the
25 problems that they were having.

1 Ron Falbee - Direct 153

2 We also -- we found some of the actual
3 notes that Jerry Steuerman had signed. -- Monetary
4 notes.

5 MR. POLLACK: I would like to hand
6 up, if I might, a document that will be
7 marked as -- I have no idea what.

8 MR. BARKET: I have some idea. One
9 second. Sorry. Twenty-four. Is that
10 right?

11 THE COURT OFFICER: Yes.

12 THE COURT: All right. This is
13 defendant's --

14 MR. POLLACK: Defendant's 24.

15 THE COURT: All right. Defendant's
16 24 marked for identification.

17 (Whereupon, the above-referred-to
18 Note was marked as Defendant's Exhibit
19 24 for identification as of this date.)

20 THE COURT OFFICER: Defendant's 24
21 marked for identification only.

22 THE COURT: Thank you.

23 Please show the witness.

24 THE COURT OFFICER: Being shown to
25 the witness.

1 Ron Falbee - Direct 154

2 (Whereupon, the aforementioned item
3 was handed to the witness for
4 examination.)

5 A Yeah.

6 Q Mr. Falbee, do you recognize the
7 document that's been marked as Exhibit Number 24?

8 A Yes, I do.

9 Q Is that a true and correct copy of one
10 of the documents that you found in the safe?

11 A Yes, it is.

12 Q And do you recognize the handwriting on
13 this document?

14 A Yes, it's my Aunt Arlene's.

15 Q And does this document reference a
16 series of -- a series of complaints, including
17 some of the ones that you had spoken to Seymore
18 Tankleff about in the preceding months?

19 A Yes, it does.

20 Q In addition to reviewing the consents of
21 the safe, did you have the opportunity to look in
22 the office or study where Seymore Tankleff was
23 found after the attacks?

24 A Yes, we did. I did.

25 Q And, specifically, did you look at his

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Ron Falbee - Direct

155

desk in that office?

A Yes.

Q Can you describe what the desktop looked like when you saw it?

A Well, it -- there was -- there was blood on it. There were a lot of papers on it. There was blood on it. It was a -- some of the papers were askewed and then there were stacks of papers.

Q I show you a document that we will mark as number twenty-five.

(Whereupon, the above-referred-to Demand Note was marked as Defendant's Exhibit 25 for identification as of this date.)

THE COURT: Defendant's 25 marked for identification only.

THE COURT OFFICER: Defendant's 25 marked for identification only, being shown to the witness.

THE COURT: Okay.

(Whereupon, the aforementioned item was handed to the witness for examination.)

A Yeah, I recognize the document.

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Ron Falbee - Direct

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Q Mr. Falbee, you said you recognize

3

Defendant's Number 25. Where did you find

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Defendant's 25?

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A Upper left-hand corner of Seymore's

6

desk.

7

Q Was it underneath any other papers or

8

was it out in the open?

9

A Sitting on top.

10

MR. POLLACK: Your Honor, I would

11

like to move twenty-four and twenty-five

12

into evidence.

13

THE COURT: Thank you.

14

Please show them to Mr. Lato.

15

THE COURT OFFICER: Yes, your

16

Honor.

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THE COURT: After you review them,

18

Mr. Lato, any objection?

19

We'll do twenty-four first, please.

20

(Whereupon, the aforementioned

21

items were handed to Mr. Lato for

22

examination.)

23

A There was, actually --

24

THE COURT: Sir, just hold up for

25

one second; okay?

1 Ron Falbee - Direct 157

2 THE WITNESS: Oh, I'm sorry. Yeah.

3 MR. LATO: With respect to ---
4 twenty-four, your Honor, that's the
5 first note, the writing that Mr. Falbee
6 has identified as Arlene's, Arlene
7 Tankleff.

8 Although I understand that the
9 Court will probably allow the document
10 based upon the relaxation of rules here,
11 if this were a trial, I would object on
12 two grounds.

13 One, in terms of -- that this is
14 being offered for the truth, this is a
15 hearsay document.

16 Two, the problem is there's no
17 relevance the way I see it because
18 there's no evidence that Jerry Steuerman
19 was aware of what Arlene had said.
20 These are just her notes and would not
21 contribute to a motive to commit the
22 crime. So that would be my objection as
23 to twenty-four.

24 With respect to twenty-five, it
25 would be principally the same

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Ron Falbee - Direct

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objections. Presumably, they would be offered for the truth.

We also have an authentication problem here because although it says Very truly yours, Seymore Tankleff, from a typewriter of course, if the witness could, say, identify the type face, because this is not like it is today, that would be sufficient to authenticate the documents having come from Mr. Tankleff. But the document isn't signed, so there would be an authentication problem as far as identifying this as having come from Mr. Tankleff.

But, once again, it's hearsay there's no evidence that Jerry Steuerman ever got it even though this was sent Certified Mail.

I believe that Mr. Gottlieb tried to introduce this at the trial and was unsuccessful, so we also have the law of the case which, again, this Court is now bound by. But Judge Tisch did rule that

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Ron Falbee - Direct

159

he was not going to allow this into evidence, and I think Mr. Steuerman testified he never saw this document so it becomes irrelevant.

So, those are my objections.

THE COURT: I'm going to allow it into evidence subject to your objections, Mr. Lato.

These documents do definitely have evidentiary problems but I will allow them into evidence for whatever weight they may give to the defendant's cause.

MR. BARKET: Thank you, your Honor.

(Whereupon, the above-referred-to Items were marked and received as Defendant's Exhibit 24 and Defendant's Exhibit 25 in evidence, respectively, as of this date.)

THE COURT OFFICER: Defendant's 24 and 25 marked and received into evidence.

MR. POLLACK: If you could hand, Defendant's 25 back to the witness, please?

1 Ron Falbee - Direct 160

2 THE COURT OFFICER: Defendant's 25.

3 (Whereupon, the aforementioned item
4 was handed to the witness for
5 examination.)

6 Q Mr. Falbee, you said that number
7 twenty-five was sitting out in the open on
8 Mr. Tankleff's desk?

9 A Right.

10 Q I take it, it's not a document the
11 police had taken with them --

12 A No.

13 Q -- it was there when you went in?

14 Can you describe -- there are several
15 pages to it. Can you describe what number
16 twenty-five is?

17 A Well, it's -- it's, basically, a copy of
18 a letter to Jerry Steuerman requesting the demand
19 payment in the sum of fifty thousand dollars on
20 one of the notes that -- that Jerry owed Seymore.
21 It's a receipt for Certified Mail, it's the --
22 it's -- it's both receipts, sending in and coming
23 from, and it's a copy of the note.

24 Q Okay.

25 Now, the note itself is from when?

1 Ron Falbee - Direct 161

2 A The -- the note itself is from '86.

3 Q Okay.

4 A All right?

5 Q The letter demanding that the note be
6 paid is dated when?

7 A June 29, 1988.

8 Q It is sitting out on Seymore Tankleff's
9 desk when you searched the office?

10 A Correct.

11 Q Now, Mr. Falbee, you said that you were
12 the executor of the estate?

13 A Correct.

14 Q You were Marty's legal guardian?

15 A That's correct.

16 Q Marty Tankleff lived with you prior to
17 the trial?

18 A Correct.

19 Q And you had reviewed documents that were
20 at the crime scene.

21 At any point --

22 Well, let me -- let me -- let me first
23 ask about the day of the attacks.

24 On the day of the attacks, did you tell
25 anyone that you had information about who you

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Ron Falbee - Direct

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believed might be responsible?

A Yes.

Q Who did you tell?

A Police -- I -- I gather they were
detectives. I don't know. You know, they
identified themselves as police. I don't know
names. But as we were in the hospitals and as we
were, you know -- we were all congregated
together, we moved from one hospital to the other,
and as we came up with these detectives, I mean
they did ask, you know -- you know, do you know
anybody that could be responsible for something
like this, and we gave them Jerry Steuerman's
name, yes.

Q Specifically, you -- you told at least
one detective that you believed --

A At least one, yeah.

Q -- that you believed that Jerry
Steuerman was the person responsible?

A Correct.

Q And you heard other family members do
the same?

A Absolutely.

Q At any time after that, did anybody from

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Ron Falbee - Direct

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law enforcement interview you at all?

A No.

MR. POLLACK: I don't have any
further questions.

Thank you.

THE COURT: Any cross?

MR. LATO: Yes, your Honor.

THE COURT: Go forward.

MR. LATO: May I just have sixty
seconds, please?

THE COURT: All right.

CROSS-EXAMINATION

BY MR. LATO:

Q Good afternoon, Mr. Falbee.

A Good afternoon.

Q Sir, you testified just a few moments
ago that -- let me just see if I can get this
correct, sir -- with respect to Exhibit 24, about
a note that is in Arlene Tankleff's testimony; do
you recall that?

A Correct.

Q Do you recall about a year ago that the
District Attorney's Office in Hauppauge
investigated Warkenthien and I interviewed you at

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Ron Falbee - Cross

164

the D.A.'s office?

A A year ago Friday.

Q All right.

And then there is you and other members
of the family; correct?

A Right. It was after we requested
that --

Q Yes.

A Okay.

Q Now, do you recall whether at that
meeting you actually told us about Exhibit 24,
this note from Arlene?

A I don't recall.

Q Now, did you give this note, Exhibit 24,
to Mr. Gottlieb prior to Martin Tankleff's trial?

A I did.

Q And did you sit throughout that trial?

A Every day.

Q And do you recall whether there was any
attempt to introduce this document?

A I don't recall.

Q Now, Mr. Falbee, as executor of the
Tankleffs's estate, you became familiar with their
assets; correct?

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Ron Falbee - Cross

165

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A Correct.

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Q And you became aware of moneys that they owed, for instance, mortgages and so forth?

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A Correct.

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Q And you became aware of moneys owed to

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them by others; correct?

8

A Correct.

9

Q Including Mr. Jerry Steuerman?

10

A Oh, yes.

11

Q Now, would it be fair to say, however,

12

that you, at the time, were unfamiliar with Jerry

13

Steuerman's assets; correct?

14

A At a point in time -- I'm not quite sure

15

I understand your question.

16

I did -- while being executor of the

17

estate, we did go after Jerry Steuerman and we

18

found out that Jerry Steuerman had absolutely

19

nothing in his name. So I was aware that he had

20

no personal assets to attach.

21

Q All right. Because the estate was

22

being -- I guess during the probate and so forth,

23

there was some disagreement as to how much

24

Mr. Steuerman owed and you became aware of his

25

assets; is that how it happened?

1 Ron Falbee - Cross 166

2 A Yes. There was a tremendous amount of
3 litigation with Mr. Steuerman, yeah.

4 Q Now, were you able to discover, during
5 the administration of the estate, whether the
6 fifty thousand dollars reflected in Exhibit 25 was
7 ever repaid?

8 A No, I don't believe it was.

9 Q Well, you're saying you don't believe --

10 A A --

11 Q -- do you know one way or the other?

12 A I don't know.

13 We eventually settled with Mr. Steuerman
14 on many, many issues.

15 Q You do know, however, that
16 Mr. Steuerman -- I'm sorry -- Mr. Steuerman owed
17 money to the Tankleffs at the time the Tankleffs
18 were killed; correct?

19 A He owed a lot of money, yes.

20 Q He owed far more than fifty thousand
21 dollars; correct?

22 A Absolutely.

23 Q As you stated, there was a settlement of
24 some kind between Mr. Steuerman and the Tankleffs?

25 A And the estate.

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Ron Falbee - Cross

167

Q And the estate?

A Yes.

Q Is it fair to say, as part of the settlement, Shari Rother, later Shari Mistretta, got one of the bagel stores; correct?

A I believe that was part of the deal.

Q That bagel store was worth several hundred thousand dollars; is that correct?

A I can't answer that.

Q Is that because there's some kind of a confidentiality?

A No. I can't answer because I simply don't recall.

Q But --

A There was a lot of litigation. It involved a lot of different areas with Jerry Steuerman and it kind of all got wrapped up into one, and then it got wrapped up with distributions and so on and so forth. So it got a little complicated.

Q When you say that Jerry Steuerman was broke, it would be fair to say he had no liquid assets; correct?

A He had nothing in his name.

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Ron Falbee - Cross

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Q Moneys you could actually get ahold of;
is that what you meant?

A Anything we could get ahold of. He
didn't have a car in his name.

Q Well, with respect to assets, for
instance, for settlement of the estate, to settle
means he had to give you something; correct?

A Right. And it was the stores we
controlled. We still had a partnership with him,
we still had ownership of the stores, so we
stopped sales of stores, things like that. We
eventually got Jerry to sit down at a table and go
through some things.

Q Well, that's what I was getting at with
the liquid assets.

In other words, the Tankleffs had part
ownership of some of Mr. Steuerman's stores;
correct?

A Correct.

Q And he had the other part; correct?

A Correct.

Q The part that he had was worth some
money; correct?

A Correct.

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Ron Falbee - Cross

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Q So, when the estate -- during the

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administration of the estate, one of the

4

settlements, or the settlement with Jerry

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Steuerman was he had to actually sell off some of

6

his assets; correct?

7

A Yeah. It was -- it was -- the whole

8

thing was more or less a barter. It was bartered

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out.

10

Q Do you recall, in terms of the barter,

11

about how much Jerry Steuerman's property was

12

worth --

13

A No, I don't.

14

Q Was it six figures?

15

A Yeah.

16

Q All right. And so we know it was over a

17

hundred thousand dollars. Could it have been over

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two hundred thousand dollars?

19

A Could have been.

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Q Over three hundred thousand?

21

A Could have been.

22

Q Could it have been as high as five, six

23

seven hundred thousand dollars --

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A I don't think so.

25

Q Somewhere in the range of three hundred

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Ron Falbee - Cross

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thousand would be a fair --

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A I really don't know. You know, it's a guess.

4

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Q All right.

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Now, would it be fair to say, however, that the fifty thousand dollars that is part of Exhibit 25, the debt that Jerry Steuerman owed to them, to the Tankleffs, was not exonerated by their death; correct?

11

A No, it wasn't.

12

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14

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Q So, whatever debt Jerry Steuerman owed, whether it was fifty thousand dollars or more, basically, now Jerry Steuerman owed the estate; correct?

16

A Correct.

17

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19

20

Q Now, would it be fair to say that in terms of the will, as executor, that among others, Martin Tankleff and Shari Rother were beneficiaries; correct?

21

A Correct.

22

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Q Is it fair to say that prior to the murders, are you aware whether Shari was fighting with Seymore about the will?

25

A (No response)

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Ron Falbee - Cross

171

Q Fighting may be too strong a word.

That they had some discussions of how much she was getting --

A Prior to the deaths?

Q Yes.

A I don't believe that Shari had any idea of what was in the wills.

Q Were the wills changed at all prior to the final will that went into place; do you recall?

A I don't recall. I know that the will that I -- that I eventually became executor of was the -- the terms of it were the same terms as when Seymore asked me to be executor.

In other words, when I sat down, had a meeting, he asked me to be executor, so on and so forth, we went over the terms of the will. And they were the same terms with the will we ended up with so --

Q Do you recall when the final will was enacted, what year that was?

A No.

Q Was it, say, more than a year prior to the murders?

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Ron Falbee - Cross

172

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A It was more than a year, yes.

3

Q Would it be fair to say that while

4

Seymore and Arlene were alive, they could have

5

changed that will, substituted a new will;

6

correct?

7

A They could have.

8

Q Would it be fair to say that at any time

9

they could have left more to Marty and less to

10

Shari if they so chose?

11

A Well, they actually did, but I mean --

12

Q What I'm saying is they could have given

13

him still more?

14

A I don't know. He -- he took a pretty

15

big case in that will, I mean --

16

Q All right. Well, then would it be fair

17

to say that they could have changed it at any

18

point and given less to Marty and more to Shari if

19

they so chose?

20

A I guess they could have, yes. I mean

21

they could have changed the will any way they

22

wanted to, you know?

23

Q Right.

24

If they wanted to, they could have made

25

Marty the sole beneficiary; correct?

1 Ron Falbee - Cross 173

2 A Well, yeah, if they wanted to, yes, they
3 could have.

4 Q Would it be fair to say that the will
5 that you basically were the executor for, the
6 primary beneficiary was Marty?

7 A Yes.

8 Q Now, have you paid Mr. Jay Salpeter in
9 this case to be an investigator?

10 A Yes.

11 Q And how much have you paid to date, if
12 you recall?

13 MR. POLLACK: Objection.
14 Relevance.

15 THE COURT: Overruled.

16 Cross-examination. It's
17 appropriate.

18 A I don't really know. I know that a lot
19 of work that Jay's doing for us is pro bono. We
20 did give him -- I did give him a retainer in the
21 beginning and I don't -- I don't know.

22 Q Well, do you have some, for instance,
23 range? In other words, is it more than ten
24 thousand dollars?

25 A I don't think so.

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Ron Falbee - Cross 174

Q Well, did you -- would it be fair to say that Mr. Salpeter, as far as you know, charged you for certain fees to get witnesses here and so forth?

A Yeah. He -- he -- he has requested that we -- or he has asked if we would reimburse for travel expenses for some witnesses and -- and whatnot.

Q So, have you paid for the travel and arrangements for, say, Joseph Graydon?

A I don't know. I'm assuming yeah, if -- if -- if Jay needed it and he asked for it, yeah, we would do that.

Q And that would also be true of Billy Ram who came up here from Florida; correct?

A Uh-huh.

Q Do you know, for instance, who paid for Glen Harris's cell phone?

A I have no clue.

Q Do you have any idea how much those expenses or fees were?

A No.

Q Mr. Falbee, would it be fair to say that, as was Mr. Seymore Tankleff, you, yourself,

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Ron Falbee - Cross

175

2

are a businessman; correct?

3

A Correct.

4

Q Would it be fair to say that in doing

5

business over the years, you've had business

6

disputes; correct?

7

A I'm thinking.

8

Yes.

9

Q Have you ever taken legal action with

10

respect to a business matter against someone who

11

you had a dispute with?

12

A No.

13

Q Has anyone ever taken legal action

14

against you?

15

A Possibly against one of my corporations.

16

Q Would it be fair to say, though, that

17

business disputes can actually ruin friendships if

18

people are friends; correct?

19

A Oh, I'd say they could, yes.

20

Q But it would also be fair to say that

21

most disputes are resolved without the need to,

22

you know, basically pay lawyers; correct?

23

A Sometimes.

24

Q In other words, they're worked out

25

sometimes?

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Ron Falbee - Cross

176

A Sometimes, yeah.

Q All right. Lawyers take money; correct,
if you want to use them?

A Excuse me?

Q Lawyers take money if you want to work
it out?

A Lawyers would love to take your money.

Q And lawsuits take time; correct?

A They do take time.

Q In a criminal justice system, you want
to work out a dispute, it can take years; correct?

A Uh-huh.

Q With respect to Exhibit 24, this is the
note previously introduced, do you have a copy of
that, sir?

MR. LATO: Exhibit 24, if it can
just be shown to the witness.

(Whereupon, the aforementioned item
was handed to the witness for
examination.)

THE COURT OFFICER: Defendant's 24.

Q Mr. Falbee, if you can, look at the next
to last paragraph.

(Whereupon, the witness complied

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Ron Falbee - Cross

177

with the request of Mr. Lato.)

Q And, again, I just received this, so, please, correct me if I'm wrong.

Would it be fair to say that Arlene is writing that Seymore settled for half the amount for the month of May; am I reading that correctly, sir?

A That would appear, yeah.

Q So it appears that Seymore basically settled, he took half of what he really was entitled to; correct?

A Correct.

Q Now --

MR. POLLACK:

MR. LATO: If the witness can, please, be shown Exhibit 25?

(Whereupon, the aforementioned item was handed to the witness for examination.)

THE COURT OFFICER: Defendant's 25 in evidence.

Q Do you have that, Mr. Falbee?

A Uh-huh.

Q Now, would it be fair to say that the

1 Ron Falbee - Cross 178

2 date of this letter which is unsigned is June 29th
3 of 1988; correct?

4 A Yeah. I think this is just a -- you
5 know, this is one of those fashioned copies that
6 you --

7 Q A carbon copy --

8 A -- you sign the originals, you know?
9 This is what mine used to look like.

10 Q This is about a little over two months
11 before the murders; correct?

12 A Correct.

13 Q Now, as executor of the estate, do you
14 recall coming across any type of follow-up letter
15 for this from Seymore to Jerry or from Jerry to
16 Seymore?

17 A I don't recall any, no.

18 Q Do you recall any letter, canceled check
19 or anything else showing whether Jerry paid or did
20 not pay the fifty thousand dollars?

21 A I don't recall.

22 Q Do you recall coming across any
23 documents showing whether Seymore changed his mind
24 and basically agreed to give Jerry more time or
25 somehow settled?

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Ron Falbee - Cross

179

A No, I don't.

Q Did you have any conversations with Seymore whether or not he tried to work something out with Jerry with respect to this particular debt?

A Not with respect to this, no.

Q Did you come across anything in going over the papers that showed that Seymore Tankleff actually took legal action against Jerry Steuerman with respect to this fifty thousand dollars?

A I don't re -- I don't recall whether I did or I didn't, no.

Q If you look at Exhibit 25, the letter, Seymore actually threatens that unless he's paid immediately, he's going to take all legal steps necessary to collect the same; do you see that, sir?

A Uh-huh.

Q Would it be fair to say, as far as you know, you don't know one way or the other whether Seymore ever took any legal steps between the day of the letter and the day of the murders?

A I don't know for a fact.

I do know -- since you asked -- I do

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Ron Falbee - Cross

180

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recall seeing -- I don't have the letter and --

3

and I don't even -- I do recall seeing something --

4

where Seymore was going after the horses if Jerry

5

didn't pay.

6

Now, I can't tell you whether that was a

7

follow-up to this or just something else. But

8

they owned horses together and I do remember a

9

letter that Seymore had sent to Jerry Steuerman

10

and it happened to do with a repaying of something

11

where he was going to attach the horses.

12

Q So, then, it would be fair to say, sir,

13

that --

14

A Which -- which, incidentally, I didn't

15

think was a big deal; all right? Until Mike Fox

16

turned around to me and said Jerry loves his

17

horses. So I mean that kind of made it a big deal

18

I guess.

19

Q So, would it be fair to say then,

20

Mr. Falbee, that Seymore and Jerry had more than

21

one business transaction or relationship; correct?

22

A Oh, that would be fair to say.

23

Q All right.

24

They had bagel stores, that would be

25

one; correct?

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Ron Falbee - Cross

181

2

A No, they had a few.

3

Q I'm sorry. Bagel stores, plural, that

4

was one such interest --

5

A Okay. Correct.

6

Q Okay.

7

Horses would be another; correct?

8

A Correct.

9

Q And there were other, basically,

10

businesses that they had together; correct? Or

11

business relationship, I should say?

12

A Yeah. I mean originally Seymore lent

13

him money for the house, and it goes on and on and

14

on, you know?

15

Q Would it be fair to say that Seymore,

16

Arlene and Jerry and Jerry's wife were also

17

friends?

18

A At a point in time, yes.

19

Q Would it be fair to say that despite

20

their business disputes, they stayed friends for

21

the most part; correct?

22

A Not at the end.

23

Q Well, at the end, Jerry still played

24

cards with Seymore; correct?

25

A Correct.

1 Ron Falbee - Cross 182

2 Q And, in fact, both of the murders -- I
3 should say before the letter, which is Exhibit 25,
4 and after the letter, they played cards on a
5 regular basis; correct?

6 A Correct.

7 Q And they played cards on September 6th
8 of 1988; correct?

9 A Yes.

10 Q Just hours before the murders; correct?

11 A Yes.

12 Q Now, the card game they were playing was
13 poker; correct?

14 A Correct.

15 Q And they were playing for money;
16 correct?

17 A Correct. I guess.

18 Q And this wasn't, as far as you know,
19 nickels and dimes; correct?

20 A No, it was a -- I understand it was a
21 healthy game.

22 Q And by a healthy game, are we talking
23 about any given hundreds or thousands of dollars
24 could change hands?

25 A I don't know for sure. I never played

Ron Falbee - Cross

183

with them.

Q It would be a fair statement, however, that Seymore invited Jerry over even though Jerry was in arrears to Seymore on other matters; correct?

A I think it was a group game, the same guys always got together. And I think that Seymore did not take the action of not allowing Jerry to attend. I don't -- I'm not so sure it was an invitation. I'm just -- I think this was a poker group, they got together and these same guys played poker.

Q Well, as far as know --

A And Jerry happened to be a member of that group.

Q Okay.

But as far as you know, though, because this was Seymore's house, at any time he could have barred Jerry from entering and playing poker; correct?

A Sure, he could.

Q Would it be basically fair to say, since this was for money and it was a healthy game, Seymore was allowing Jerry to come over and

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Ron Falbee - Cross

184

gamble?

A Uh-huh.

Q And there's nothing that you came across, in speaking to Seymore Tankleff prior to the murders, where Seymore said, basically, you can't play poker because you owe me fifty thousand dollars?

A No.

Q And --

A I also know that Jerry used to give him payments when he came over to play poker. So, in other words, he would come over to play poker and he would also make a payment to Seymore. Cash payments.

Q But you're not aware of anything where, say, at a given card game, you know, the night of the murder or a week or two before, where Seymore would say something like you can't raise me a hundred dollars because you owe me fifty thousand dollars?

A No. Well, I wasn't there, I don't know. But I doubt it.

Q Now, you said that -- earlier, sir, that after the murders, you told people you presumed

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Ron Falbee - Cross

185

were detectives that Jerry Steuerman may have
committed the murder?

A Correct.

Q Or murders, I should say.

Well, actually, at the time it was the
murder because Seymore was still alive.

A Yes.

Q I'm sorry.

Would it be fair to say that it was
approximately a year and a half between the
murders and the actual trial; correct?

A Correct.

Q In that period of time, you were
following the investigation, or Marty's defense,
you were heavily involved in that; correct?

A From Marty's defense, yes.

Q Would it be fair to say that you had a
number of conversations with Robert Gottlieb,
Marty's attorney; correct?

A Yes, sir.

Q Are you aware, sir, that Mr. Gottlieb
had basically hired a private investigator;
correct?

A Yes.

Ron Falbee - Cross

186

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Q To help with Marty's defense?

3

A Yes.

4

Q And you said that at no time in that

5

year and a half period did the detectives ever

6

come to interview you; correct?

7

A Correct.

8

Q Did you ever write any letters to the

9

Suffolk County Police Department telling them your

10

version of events?

11

A Nope.

12

Q Did you ever write a letter to the

13

District Attorney's Office saying would you,

14

please, come interview me?

15

A Uh, last year we did.

16

Q No. I mean between the murders and the

17

trial.

18

A I don't recall whether we did or not.

19

We might have. I don't -- I don't recall.

20

Q Are you aware, sir, whether you asked

21

Mr. Gottlieb basically to arrange a meeting with

22

the detectives; do you know whether or not that

23

happened?

24

A No.

25

Q Would it be fair to say that you sat at

1

Ron Falbee - Cross

187

2

the trial every day; correct?

3

A Yes. I was responsible for bringing
4 Marty to the trial.

5

Q Would it be fair to say, sir, that you
6 did not testify at that trial; correct?

7

A I did not.

8

Q As far as you know, Mr. Gottlieb did put
9 on some witnesses; correct?

10

A Correct.

11

Q Just not you?

12

A I don't know why he didn't put on any
13 family or very few family.

14

MR. LATO: Nothing further.

15

THE COURT: Any redirect?

16

MR. POLLACK: Yes, your Honor.

17

Thank you.

18

THE COURT: Go forward, sir.

19

REDIRECT EXAMINATION

20

BY MR. POLLACK.

21

Q I want to start, Mr. Falbee, with a
22 question that Mr. Lato had asked you about the
23 family's willingness to pay certain expenses in
24 conjunction with this hearing.

25

A Yeah.

Ron Falbee - Redirect

188

1
2 Q I think that Mr. Lato in one of his
3 questions used the words fees that were paid to
4 witnesses.

5 As far as you're aware, has any witness
6 been paid for their testimony as opposed to simply
7 being reimbursed for expenses that they have
8 incurred?

9 A No, not at all. I mean the -- Mr. Ram,
10 I believe -- I believe that was an issue because
11 he was going to actually lose income for the time
12 he was up here. And there was a lot of discussion
13 on it, how would it look and so on and so forth.
14 And I think it was decided the man's entitled to
15 his pay, he was going to be out of work for two
16 days.

17 Q So, in other words, after consulting
18 with the lawyers, you decided that was
19 appropriate, that he could be reimbursed for lost
20 wages; is that correct?

21 A Yes.

22 Q Okay.

23 However, he was not paid any -- he
24 didn't benefit financially by testifying?

25 A Not at all.

1 Ron Falbee - Redirect 189

2 Q Nor did any witness that you're aware
3 of?

4 A Not that I know of.

5 Q Now, turning back to the issue of the
6 estate, Mr. Lato asked you some questions about
7 moneys that were owed after the debts now to the
8 estate of Jerry Steuerman.

9 A Correct.

10 Q Without trying to quantify the exact
11 dollar amount, is it fair to say that
12 Mr. Seymore -- that Mr. Steuerman did not
13 ultimately end up paying the estate everything
14 that he had owed the Tankleffs during their
15 lifetime?

16 A I think that's a fair statement.

17 Q Now, during Seymore's lifetime, under
18 whatever arrangement Mr. Steuerman had with
19 Seymore Tankleff, could Mr. Steuerman open up some
20 new business venture without giving a piece of it
21 to Mr. Tankleff?

22 A No. No. My uncle's deal was
23 fifty/fifty partners in everything. That's just
24 how my uncle worked.

25 Q Okay.

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Ron Falbee - Redirect

190

After Seymore Tankleff died, do you know whether Mr. Steuerman was able to open up new businesses without giving a percentage of that business to the Tankleff estate?

A Oh, absolutely, yes. Strathmore Bagel exploded after Seymore died. -I mean there was tremendous growth in that company.

Q Now, on Exhibit 25, which was the demand note, Mr. Lato had asked about whether or not you remember seeing any follow-up correspondence after Mr. Tankleff had demanded payment of that particular note; do you recall being asked that?

A Yes, I do.

Q Okay.

Now, as a businessman, I'm assuming you're aware that not only might people follow up with correspondence, but sometimes people follow up with conversations?

A Sure.

Q Now, when you saw Exhibit 25, that letter demanding that Mr. Steuerman pay Mr. Tankleff, you saw it, it was out on the desk not covered by any other papers; is that right?

A Yeah. That's why I can tell you exactly

Ron Falbee - Redirect

191

where it was. I was so surprised to see it.

And to be honest, I thought -- I remember like little splatters of blood on it. I don't know if after fifteen years it's dried up or whatever.

I was rather surprised to find it. And because at the time I think the -- the police had made a statement that -- that basically said that there were no financial problems between Jerry Steuerman and Seymore Tankleff. I said, well, how did they miss this, you know, sitting on the desk?

Q Okay.

A So that's why I remembered it, because it was so contrary to what everybody was telling us.

MR. POLLACK: May I approach the witness, your Honor? Or may I have the document back? Either way.

THE COURT: Yeah, you can have the document back.

MR. POLLACK: Thank you, your Honor.

(Whereupon, the aforementioned item was handed to Mr. Pollack for

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Ron Falbee - Redirect

192

examination.)

THE COURT: Okay.

Q Now, you had sort of described the type of paper that we're -- that it's on --

A I think they used to call it an onion skin or something like that.

Q Okay.

Even today, Mr. Falbee, do you see various small dots --

A Yeah, I saw them.

Q -- on that onion skin?

A Yeah, I saw that when I was looking at it.

Q You distinctly recall, when you saw it originally, it had blood on it?

A It appeared to have -- you know, not heavy but like spray or -- or, you know, very light spray where it just caught the document because it was sitting on top.

Q Okay.

Now, it was sitting on top when you saw it, that was after the police had been there for a couple weeks; right?

A Correct.

Ron Falbee - Redirect

193

Q The fact that there was blood on it would indicate that it was out at the time that Mr. Tankleff was murdered?

A It would seem to me, yeah.

MR. POLLACK: Nothing further.

THE COURT: Recross?

RECROSS-EXAMINATION

BY MR. LATO:

Q Mr. Falbee, just with respect to redirect, moneys or fees paid to Billy Ram, you said that Mr. Ram said that he was out money for a couple of days, lost work?

A Yeah. In other words, he was going to -- he was going to lose income if he came up here for two days, and we agreed to -- you know, what is his income for two days, and we needed to make him whole.

Q Do you recall what that amount was to make him whole?

A No, I don't.

Q Do you know whether it was --

A I -- five, six, seven hundred a day. I -- I don't know. I'm not sure exactly what it was. Five hundred dollars.

1

Ron Falbee - Recross

194

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Q Would you be able to find out between

3

now and, say, the end of the proceeding?

4

A Possibly.

5

MR. LATO: Your Honor, I am going

6

to ask, if there are any records, that

7

they be produced.

8

Q Do you know how he was paid; was it in

9

cash --

10

A I do not know.

11

Q Did the money come from you directly to

12

Mr. Ram or just to Mr. Salpeter first?

13

A It went to Mr. Salpeter first.

14

Q And then he decided basically whatever

15

method; correct?

16

A Correct.

17

Q And how did you get the money to

18

Mr. Salpeter, was it by check, Western Union, et

19

cetera?

20

A By check, I believe.

21

MR. LATO: Nothing further.

22

THE COURT: All right.

23

You're excused Mr. Falbee. Thank

24

you, sir.

25

THE WITNESS: Thank you.